

SCOTT N. SCHOOLS (SCBN 9990)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

DEREK R. OWENS (CABN 230237)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6488
Fax: (415) 436-7234
Email: Derek.Owens@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
D'MARQUES ANTHONY LUCKETT,
Defendant.

No. CR 07-0589 PJH

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM
SEPTEMBER 27, 2007 THROUGH
OCTOBER 9, 2007

On September 27, 2007, the parties in this case appeared before the Court for an initial appearance. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculations from September 27, 2007 through October 9, 2007, due to the pending detention motion by the government, and the effective preparation and continuity of defense counsel. The parties represented that granting the continuance was the reasonable time necessary for the continuity and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the

STIP. AND ORDER
CR 07-0589 PJH

1 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

2 SO STIPULATED:

3 SCOTT N. SCHOOLS
United States Attorney

4 10/23/2007
5 DATED: _____

/s/ Derek Owens

6 DEREK R. OWENS
Assistant United States Attorney

7 10/23/2007
8 DATED: _____

/s/ Steve Kalar

9 STEVE KALAR
Attorney for D'Marques Anthony Lockett

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11 As the Court found on September 27, 2007, and for the reasons stated above, the Court finds
12 that an exclusion of time between September 27, 2007 through October 9, 2007, is warranted and
13 that the ends of justice served by the continuance outweigh the best interests of the public and the
14 defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested
15 continuance would deny defense counsel the reasonable time necessary for continuity and
16 effective preparation, taking into account the exercise of due diligence, and would result in a
17 miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

18
19 SO ORDERED.

20
21 DATED: _____

22 THE HONORABLE ELIZABETH D. LAPORTE
United States Magistrate Judge